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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 TOMAS D DAVIS,

11 Plaintiff,

12 v.

13 NANCY A BERRYHILL, Deputy
14 Commissioner of Social Security for
Operations,

15 Defendant.

CASE NO. 3:18-CV-05085-RSL-DWC

REPORT AND RECOMMENDATION
ON MOTION FOR STIPULATED
REMAND

Noting Date: July 10, 2018

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17 The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United
18 States Magistrate Judge David W. Christel. Presently before the Court is Defendant's Stipulated
19 Motion for Remand. Dkt. 15. After reviewing Defendant's Stipulated Motion and the relevant
20 record, the Court recommends the following:

21 Defendant's Motion be granted, and the case be reversed and remanded for further
22 administrative proceedings under sentence four of 42 U.S.C. § 405(g).

1 On remand, the Court recommends the Administrative Law Judge (ALJ) shall:

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- Consider the issue of reopening the prior claim filed in 2012;
 - 3 • Reevaluate the medical opinion evidence and the third party statement of Tony Davis;
 - 4 • Reevaluate Plaintiff's reported symptoms and limitations; and
 - 5 • Issue a new decision.

6 The parties agree Plaintiff is entitled to reasonable attorney fees, expenses, and costs
7 under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 and 1920, upon proper request to the
8 Court.

9 Given the facts and the parties' stipulation, the Court recommends the District Judge
10 immediately approve this Report and Recommendation.

11 Dated this 10th day of July, 2018.

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14 David W. Christel
15 United States Magistrate Judge
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